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10/823,926

04/14/2004

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,926

Applicant(s)

HERBERT HUTTLIN

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

Claims 7-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 7, Applicant recites “a first air gap”, however, in line 9, Applicant refers to “at least one first air gap”. Is one gap intended to be claimed or at least one or more gaps are intended? Note that in claims 16-19, “said at least one first air gap” is repeatedly recited.

Clarification is necessary.

In claim 7, line 12, it is unclear as to the location of “bottom to top”. Is the bottom referring to the bottom of the container or the bottom or lowermost portion of the wall AND is the top the container or the top or upper portion or the wall? Clarification is necessary.

In claim 7, line 13, it is unclear what is meant by the phrase, “the course”, which by the way, lacks antecedent basis.

In claim 8, line 1, “said transition region” lacks antecedent basis.

In claim 8, line 5, clarification is necessary with respect to the “bottom to top” phrase.

In claim 13, line 1, “said transition region” lacks antecedent basis.

In claim 15, line 1, “said transition region” lacks antecedent basis.

In claim 26, line 3, “the rotational speed” lacks antecedent basis.

In claim 28, lines 3-4, “the course or said return surface” lacks antecedent basis.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7, 10-12, 16-20, 23-25, and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Huettlin (WO00/10699) in view of Pace (US 5,180,358).

Huettlin provides a centrifugal type apparatus for treating particulate material with a coating substance comprising a container (24) having an upper opening for receiving the particulate material, the container having a base, an upright wall (28) widening from bottom to top, and a deflection means (42, 86) adjoining said wall in an upper region of said container in order to deflect a direction of movement of said material, the container including a central spray nozzle (60) therein for spraying coating on the particulate material; the container wall being rotatable via drive means (30, 36) about a vertical axis of rotation; a gap or opening (area about element 12) defined by a transition region between the wall, and an inclined return surface (52) toward the deflection means; and an air feed device (66) for feeding an air stream through an apertured base plate of the container while feeding a portion of the air stream up the sidewall of the container to the gap within the container; at least one of said gap and said air feed device being configured such that said air stream introduced via the gap has a direction of flow (i.e., flow component) oriented substantially from the bottom of the container to the top of the container and, in a region adjoining said gap, oriented substantially tangentially with respect to the course of the wall up to the deflection means. Huettlin is silent concerning the use of an air gap connected to an air feed device such that air passes through or transitions through an upper portion of the container wall toward the deflection element to introduce air into the container. However, it was known in the art, at the time the invention was made, to provide an upper air

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inlet or gap in the wall of a centrifugal type apparatus to introduce a desired pressurized gas including air into the top of the apparatus for treating particulate material as evidenced by Pace (col. 12, lines 13-17 and pressurized gas including air in col. 9, lines 53-56). It would have been obvious to one of ordinary skill in the art to provide an upper air gap fed by a pressurized air feed device as taught by Pace in the upper wall of the Huettlin centrifuge type of apparatus as an alternative source of pressure to facilitate agitation and/or mixing of the particulate material with the coating material.

With respect to the deflection means, part of the upper wall of the Huettlin container defines a deflection element, said part of the upper wall having a degree of curvature to direct the airflow and particulate material toward the return surface. In addition, the deflection means includes a separate outer element (42) which appears to be connected to a [pneumatic cylinder] (58), the separate outer element does not appear to be attached to the container such that it would not corotate with the wall of the container.

With respect to the deflection means being apertured or permeable, the outer wall of the Huettlin container includes apertures and since the deflection means includes an extended part of the wall it would be air permeable. The other portion of the deflection means (42) would appear to be air permeable because an exhaust duct (76 or 80) extends from the curved deflection element outside of the wall.

With respect to the air gap being adjustable via elements, it would have been within the purview of one skilled in the art to make the gap adjustable via elements so as to adjust the amount or volume of air supplied within the container.

With respect to the base of the container being made with a plurality of concentric ring elements with different diameters, see Fig. 4 of Huettlin.

With respect to the base not corotating with the wall, in Fig. 4, Huettlin illustrates an arrangement wherein the apparatus includes a stationary/non-rotatable base portion including legs for housing the motor (97) that rotates the container

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huettlin (WO00/10699) in view of Pace (US 5,180,358) as applied to claim 7 above and further in view of Huettlin (DE 10104184).

The teachings of Huettlin '699 and Pace have been mentioned above, but neither teach or suggest the air gap in the base being adjustable in width. However, it was known in the art, at the time the invention was made, in an apparatus for treating particulate material with coating material, to provide adjustable base plates (62) in a container, the base plates being in communication with piston cylinder members (66) in order to adjust the width or gap size openings between adjacent base plates thereby adjusting the flow of air into the bottom of the apparatus as evidenced by Huettlin '184 (see Fig. 3 for example). It would have been obvious to one of ordinary skill in the art to provide piston cylinder type adjustment members as taught by Huettlin '184 in the apparatus defined by the combination above in order to adjust the amount of air fed into the container via the base.

With respect to the automatic opening and closing of the base via air guide elements therein, the apparatus as defined by the combination above would allow the user to control the opening and/or closing of the air gap in the base via the piston cylinder type adjustment

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members. It would be within the level of ordinary skill in the art to vary and/or control the opening/closing of the at least one air gap in the base via the air guide elements or plural plates with the piston cylinder type adjustment members in order to prevent manual manipulation of the base and its part by the user when the apparatus is in operation mode or a shutdown mode.

Allowable Subject Matter

Claims 8, 9, 13-15, and 26-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Laura Edwards
Primary Examiner
Art Unit 1792

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October 29, 2007